

The opinion in support of the decision being  
entered today is not binding precedent of the Board.

Paper <sup>15</sup>

MAILED

Richard E. Schafer  
Administrative Patent Judge  
Box Interference  
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PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES  
UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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KOJI NOZAKI and EI YANO,  
Junior Party  
(Applications 09/015,287 and 09/080,530),

v.

YASUNORI UETANI, HIROAKI FUJISHIMA  
and YOSHIKO MIYA,  
Junior Party  
(Application 09/014,915),

v.

HIDEO HADA, KAZUFUMI SATO  
and HIROSHI KOMANO  
Senior Party  
(Application 09/012,827).

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Patent Interference No. 104,664

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Before: SCHAFFER, LEE and SPIEGEL, Administrative Patent Judges.  
SCHAFFER, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

Junior party Uetani and Senior party Hada have filed concessions of priority as to the subject matter of Count 2, the sole count in this interference. Papers 40 and 41. A concession of priority is treated as a request for adverse judgment. 37 CFR § 1.662(a). Accordingly, it is

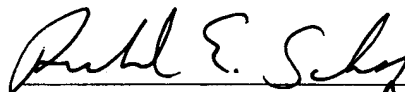
ORDERED that judgment on priority as to the subject matter of Count 2 (Paper 34, p. 2), is awarded against the junior party, YASUNORI UETANI, HIROAKI FUJISHIMA and YOSHIKO MIYA, and against senior party, HIDEO HADA, KAZUFUMI SATO and HIROSHI KOMANO;

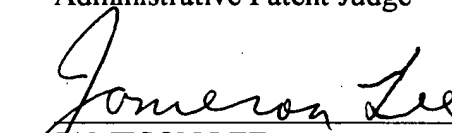
FURTHER ORDERED that junior party, YASUNORI UETANI, HIROAKI FUJISHIMA and YOSHIKO MIYA, is not entitled to a patent containing claims 1-3, 5-6 and 9-18 (corresponding to Count 2) of Application 09/014,915;

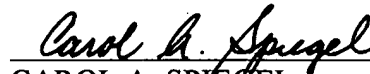
FURTHER ORDERED that senior party, HIDEO HADA, KAZUFUMI SATO and HIROSHI KOMANO, is not entitled to a patent containing claims 1-6 and 8 (corresponding to Count 2) of Application 09/012,827;

FURTHER ORDERED that a copy of this judgment be made of record in Applications 09/015,287; 09/080,530; 09/014,915 and 09/012,827; and

FURTHER ORDERED that if there is any settlement agreement which has not been filed, attention is directed to 35 U.S.C. § 135(c) and 37 CFR § 1.661.

  
RICHARD E. SCHAFER  
Administrative Patent Judge

  
JAMESON LEE  
Administrative Patent Judge

  
CAROL A. SPIEGEL  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

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